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DOCKET NO. 17282CPA(BOT)
PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Sachs et al

U.S. Patent 6,776,990B2) Serial No: 09/288,326

Issued: August 17, 2004

Filed: April 8, 1999

For: METHODS AND COMPOSITIONS

FOR THE TREATMENT OF

**PANCREATITIS** 

Group Art Unit: 1644

Examiner: K. Clemens

Commissioner for Patents Alexandria, VA 22313-1450 Certificate
OCT 2 2 2004

REQUEST FOR CERTIFICATE OF CORRECTION UNDER RULE 322 (OFFICE MISTAKE) of Correction

Dear Sir:

Please correct the above-identified patent as shown on the accompanying Certificate of Correction Form PTO-1050.

These corrections are requested for the following reasons:

### IN THE SPECIFICATION:

Column 12, line 36 (page 25, line 9); delete

- "SYIANKVLTVQTIDNALSKRNEKWDEVYKYIVTNWLAKVNTQIDLIRKKMFEALENQA" and insert in place thereof
- --SYIANKVLTVQTIDNALSKRNEKWDEVYKYIVTNWLAKVNTQIDLIRKKMKEALENQA --

Column 12, line 54 (page 25, line 19); delete

- "QLFNLESSLIEVILKNAIVYNSMYENFSTSFWIRIPKYFNSISLNNEYTIINCMENNS" and insert in place thereof
- --QLFNLESSKIEVILKNAIVYNSMYENFSTSFWIRIPKYFNSISLNNEYTIINCMENNS --

2

Column 12, line 62 (page 25, line 23); delete

"NIYLNSSLYRGTKFIIKKYASGNKDNIVRNNDRVYINVVKNKEYRLATNASQAGVEK" and insert in place thereof

--NIYLNSSLYRGTKFIIKKYASGNKDNIVRNNDRVYINVVVKNKEYRLATNASQAGVEK--

Column 15, line 25 (page 27, line 5); after " ataaaaaaat atgcttctgg aaataaagat aatattgtta gaaataatga tcgtgtatat" insert --attaatgtag tagttaaaaa taaagaatat aggttagcta ctaatgcatc acaggcaggc--

#### IN THE CLAIMS:

Column 36, lines 7 and 8, claim 18; (page 4 of amendment filed 12/22/03); delete "binge" and insert in place thereof --hinge--

Please send the Certificate to:

Allergan, Inc. Carlos A. Fisher (T2-7H) Intellectual Property Dept. 2525 Dupont Drive Irvine, CA 92612

Respectfully Submitted,

Carlos A. Fisher

Registration No. 36,510 Telephone: 714/246-4920 Telecopier: 714/246-4249

Allergan, Inc. 2525 Dupont Drive Irvine, CA 92612

CERTIFICATE OF MAILING

OCT 2 5 2004

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## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 2

PATENT NO: 6,776,990 B2

DATED:

August 17, 2004

INVENTORS: Sachs et al

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Column 15, line 25; after " ataaaaaaat atgcttctgg aaataaagat aatattgtta gaaataatga tcgtgtatat" insert --attaatgtag tagttaaaaa taaagaatat aggttagcta ctaatgcatc acaggcaggc--

MAILING ADDRESS OF SENDER: Carlos A. Fisher (T2-7H) 17282(BOT) Allergan, Inc.

2525 Dupont Drive Irvine, CA 92612

PATENT NO. 6,776,990 B2

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# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 2 of 2

PATENT NO: 6,776,990 B2

DATED: August 17, 2004

INVENTORS: Sachs et al

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### IN THE CLAIMS:

Column 36, lines 7 and 8, claim 18; delete "binge" and insert in place thereof --hinge--

MAILING ADDRESS OF SENDER: Carlos A. Fisher (T2-7H) 17282(BOT)
Allergan, Inc.
2525 Dupont Drive

2525 Dupont Drive Irvine, CA 92612 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Also Forn PTO-1050

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- --NIYLNSSLYRGTKFIIKKYASGNKDNIVRNNDRVYINVVVKNKEYRLATNASQAGVEK--

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PATENT NO. 6,776,990 B2

person of skill in the art. It is well known that the clostridial neurotoxins have three functional domains analogous to the three elements of the present invention. For example, the BoNT/A neurotoxin light chain is present in amino acid residues 1—448 of the BoNT/A prototoxin (i.e., before nick-

ing of the prototoxin to form the disulfide-linked dichain holotoxin); this amino acid sequence is provided below as SEQ ID NO: 7. Active site residues are underlined:

BoNT/A Light Chain (SEQ ID NO:7)

MPFVNKQFNYKDPVNGVDIAYIKIPNAGQMQPVKAFKIHNKIWV

IPERDTFTNPEEGDLNPPPEAKQVPVSYYDSTYLSTDNEKDNYLKGVTKLFERIYSTD

LGRMLLTSIVRGIPFWGGSTIDTELKVIDTNCINVIQPDGSYRSEELMLVIIGPSADI

IQFECKSFGHEVLNLTRNGYGSTQYIRFSPDFTFGFEESLEVDTNPLLGAGKFATDPA

VTLAHELIHAGHRLYGIAINPNRVFKVNTNAYYEMSGLEVSFEELRTFGGHDAKFIDS

LQENEFRLYYYNKFKDIASTLNKAKSIVGTTASLQYMKNVFKEKYLLSEDTSGKFSVD

KLKFDKLYKMLTEIYTEDNFVKFFKVLNRKTYLNFDKAVFKINIVPKVNYTIYDGFNL

RNTNLAANFNGQNTEINNMNFTKLKNFTGLFEFYKLLCVRGIITSKTKSLDKGYNK;

The heavy chain N-terminal (H<sub>N</sub>) translocation domain is contained in amino acid residues 449–871 of the BoNT/A amino acid sequence, shown below as SEQ ID NO: 8; a gated ion channel-forming domain probably essential for the translocation activity of this peptide is underlined (see Oblatt-Montal et al., *Protein Sci.* 4:1490–1497(1995), hereby incorporated by reference herein.

ALNDLCIKVNNWDLFFSPSEDNFTNDLNKGEEITSDTNIEAAEENISLDLIQQYYLFFNF
DNEPENISIENLSSDIIGQLELMPNIERFPNGKKYELDKYTMFHYLRAQEFEHGKSRI
ALTNSVNEALLNPSRVYTFFSSDYVKKVNKATEAAMFLGWVEQLVYDFTDETSEVSTT
DKIADITIIIPYIGPALNIGNMLYKDDFVGALIFSGAVILLEFIPEIAIPVLGTFALV
SYIANKVLTVQTIDNALSKRNEKWDEVYKYIVTNWLAKVNYQIDLIRKKNFEALENQA
EATKAIINYQYNQYTEEEKNNINFNIDDLSSKLNESINKAMININKFLNQCSVSYLMN
SMIPYGVKRLEDFDASLKDALLKYIYDNRGTLIGQVDRLKDKVNNTLSTDIPFQLSKY
VDNQRLLSTFTEYIK;

The heavy chain C-terminal neural cell binding domain is contained in amino acid residues 872-1296 (SEQ ID NO: 9) of the BoNT/A prototoxin.

NIINTSILNLRYESNHLIDLSRYASKINIGSKVNFDPIDKNQI

QLFNLES LIEVILKNAIVYNSMYENFSTSFWIRIPKYFNSISLNNEYTIINCMENNS

GWKVSLNYGEIIWTLQDTQEIKQRVVFKYSQMINISDYINRWIFVTITNNRLNNSKIY

INGRLIDQKPISNLGNIHASNNIMFKLDGCRDTHRYIWIKYFNLFDKELNEKEIKDLY

DNQSNSGILKDFWGDYLQYDKPYYMLNLYDPNKYVDVNNVGIRGYMYLKGPRGSVMTT

NIYLNSSLYRGTKFIIKKYASGNKDNIVRNNDRVYINVYNKEYRLATNASQAGVEK

ILSALEIPDVGNLSQVVVMKSKNDQGITNKCKMNLQDNNGNDIGFIGFHQFNNIAKLV

ASNWYNRQIERSSRTLGGSWEFIPVDDGWGERPL

The amino acid sequence of the BoNT/A prototoxin is encoded by nucleotides 358 to 4245 of the neurotoxin cDNA sequence, set forth herein below as SEQ ID NO: 10.

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5 ALNDLCIKVNNWDLFFSPSEDNFTNDLNKGEEITSDTNIEAAEENISLDLIQQYYLTFNF
DNEPENISIENLSSDIIGQLELMPNIERFPNGKKYELDKYTMFHYLRAQEFEHGKSRI
ALTNSVNEALLNPSRVYTFFSSDYVKKVNKATEAAMFLGWVEQLVYDFTDETSEVSTT
DKIADITIIIPYIGPALNIGNMLYKDDFVGALIFSGAVILLEFIPEIAIPVLGTFALV
SYIANKVLTVQTIDNALSKRNEKWDEVYKYIVTNWLAKVNTQIDLIRKKKKEALENQA

10 EATKAIINYQYNQYTEEKNNINFNIDDLSSKLNESINKAMININKFLNQCSVSYLMN
SMIPYGVKRLEDFDASLKDALLKYIYDNRGTLIGQVDRLKDKVNNTLSTDIPFQLSKY
VDNORLLSTFTEYIK;

The heavy chain C-terminal neural cell binding domain is contained in amino acid residues 872-1296 (SEQ ID NO: 9) of the BoNT/A prototoxin.

NIINTSILNLRYESNHLIDLSRYASKINIGSKVNFDPIDKNQI

QLFNLESSKIEVILKNAIVYNSMYENFSTSFWIRIPKYFNSISLNNEYTIINCMENNS
GWKVSLNYGEIIWTLQDTQEIKQRVVFKYSQMINISDYINRWIFVTITNNRLNNSKIY
INGRLIDQKPISNLGNIHASNNIMFKLDGCRDTHRYIWIKYFNLFDKELNEKEIKDLY
DNQSNSGILKDFWGDYLQYDKPYYMLNLYDPNKYVDVNNYGIRGYMYLKGPRGSVMTT
NIYLNSSLYRGTKFIIKKYASGNKDNIVRNNDRVYINVVVKNKEYRLATNASQAGVEK
ILSALEIPDVGNLSQVVVMKSKNDQGITNKCKMNLQDNNGNDIGFIGFHQFNNIAKLV
ASNWYNRQIERSSRTLGCSWEFIPVDDGWGERPL

The amino acid sequence of the BoNT/A prototoxin is encoded by nucleotides 358 to 4245 of the neurotoxin cDNA sequence, set forth herein below as SEQ ID NO: 10.

aagcttctaa atttaaatta ttaagtataa atccaaataa acaatatgtt caaaaacttg atgaggtaat aatttctgta ttagataata tggaaaaata tatagatata tctgaagata atagattgca actaatagat aacaaaaata acgcaaagaa gatgataatt agtaatgata tatttatttc caattqttta accctatctt ataacggtaa atatatatgt ttatctatga aagatgaaaa ccataattgg atgatatgta ataatgatat gtcaaagtat ttgtatttat ggtcatttaa ataattaata atttaattaa ttttaaatat tataagaggt gttaaatatg ccatttgtta ataaacaatt taattataaa gatcctgtaa atggtgttga tattgcttat ataaaaattc caaatgcagg acaaatgcaa ccagtaaaag cttttaaaaat tcataataaa atatqqqtta ttccaqaaaq aqatacattt acaaatcctg aagaaggaga tttaaatcca ccaccagaag caaaacaagt tccagtttca tattatgatt caacatattt aagtacagat aatgaaaaag ataattattt aaagggagtt acaaaattat ttgagagaat ttattcaact gatcttgqaa qaatqttqtt aacatcaata gtaaggggaa taccattttg gggtggaagt acaatagata cagaattaaa agttattgat actaattgta ttaatgtgat acaaccagat ggtagttata gatcagaaga acttaatcta gtaataatag gaccetcage tgatattata cagtttgaat gtaaaagctt tggacatgaa gttttgaatc ttacgcgaaa tggttatggc tctactcaat acattagatt tagcccagat tttacatttg gttttgagga gtcacttgaa

-continued gtatcatata ttgcgaataa ggttctaacc gttcaaacaa tagataatgc tttaagtaaa agaaatgaaa aatgggatga ggtctataaa tatatagtaa caaattggtt agcaaaggtt aatacacaga ttgatctaat aagaaaaaaa atgaaagaag ctttagaaaa tcaagcagaa gcaacaaagg ctataataaa ctatcagtat aatcaatata ctgaggaaga gaaaaataat attaatttta atattgatga tttaagttcg aaacttaatg agtctataaa taaagctatg attaatata ataaattttt gaatcaatgc tctgtttcat atttaatgaa ttctatgatc ccttatggtg ttaaacggtt agaagatttt gatgctagtc ttaaagatgc attattaaag tatatatatg ataatagagg aactttaatt ggtcaagtag atagattaaa agataaagtt aataatacac ttagtacaga tatacctttt cagctttcca aatacgtaga taatcaaaga ttattatcta catttactga atatattaag aatattatta atacttctat attgaattta agatatgaaa gtaatcattt aatagactta tctaggtatg catcaaaaat aaatattggt agtaaagtaa attttgatcc aatagataaa aatcaaattc aattatttaa tttagaaagt agtaaaattg aggtaatttt aaaaaatgct attgtatata atagtatgta tgaaaatttt agtactaget titggataag aatteetaag tattitaaca gtataagtet aaataatgaa tatacaataa taaattgtat ggaaaataat tcaggatgga aagtatcact taattatggt gaaataatot ggactttaca ggatactcag gaaataaaac aaagagtagt ttttaaatac agtcaaatga ttaatatatc agattatata aacagatgga tttttgtaac tatcactaat aatagattaa ataactctaa aatttatata aatggaagat taatagatca aaaaccaatt tcaaatttag gtaatattca tgctagtaat aatataatgt ttaaattaga tggttgtaga gatacacata gatatatttg gataaaatat tttaatcttt ttgataagga attaaatgaa aaagaaatca aagatttata tgataatcaa tcaaattcag gtattttaaa agacttttgg ggtgattatt tacaatatga taaaccatac tatatgttaa atttatatga tccaaataaa tatgtcgatg taaataatgt aggtattaga ggttatatgt atcttaaagg gcctagaggt agcgtaatga ctacaaacat ttatttaaat tcaagtttgt atagggggac aaaatttatt ataaaaaaat atgcttctgg aaataaagat aatattgtta gaaataatga tcgtgtatat gtagaaaaaa tactaagtgc attagaaata cctgatgtag gaaatctaag tcaagtagta gtaatgaagt caaaaaatga tcaaggaada acaaataaat gcaaaatgaa tttacaagat aataatggga atgatatagg ctttatagga tttcatcagt ttaataatat agctaaacta gtagcaagta attggtataa tagacaaata gaaagatcta gtaggacttt gggttgctca tgggaattta ttcctgtaga tgatggatgg ggagaaaggc cactgtaatt aatctcaaac tacatgagtc tgtcaagaat tttctgtaaa catccataaa aattttaaaa ttaatatgtt taagaataac tagatatgag tattgtttga actgcccctg tcaagtagac aggtaaaaaa ataaaaatta agatactatg gtctgatttc gatattctat cggagtcaga ccttttaact tttcttgtat cctttttgta ttgtaaaact ctatgtattc atcaattgca agttccaatt agtcaaaatt atgaaacttt ctaagataat acatttctga ttttataatt tcccaaaatc cttccatagg accattatca atacatctac caactcgaga catactttga gttgcgccta tctcattaag tttattcttg aaagatttac ttgtatattg aaaaccgcta tcactgtgaa aaagtggact agcatcagga ttggaggtaa ctgctttatc aaaggtttca aagacaagga cgttgttatt tgattttcca agtacatagg aaataatgct attatcatgc aaatcaagta

tttcactcaa gtacgccttt gtttcgtctg ttaac

× missing line

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missing on instead 5 (attaatgtag tagttaaaaa taaagaat<u>at agqttag</u>cta ctaatgcatc acaggcaggc gtagaaaaaa tactaagtgc attagaaata cctgatgtag gaaatctaag tcaagtagta gtaatgaagt caaaaaatga tcaaggaata acaaataaat gcaaaatgaa tttacaagat aataatqqqa atqatataqq ctttataqqa tttcatcaqt ttaataatat agctaaacta qtaqcaaqta attqqtataa taqacaaata gaaagatcta gtaggacttt gggttgctca tgggaattta ttcctgtaga tgatggatgg ggagaaaggc cactgtaatt aatctcaaac tacatqaqtc tqtcaaqaat tttctqtaaa catccataaa aattttaaaa ttaatatgtt taagaataac tagatatgag tattgtttga actgcccctg tcaagtagac aggtaaaaaa ataaaaatta agatactatg gtctgatttc gatattctat cggagtcaga ccttttaact tttcttgtat cctttttgta ttgtaaaact ctatgtattc atcaattgca agttccaatt aqtcaaaatt atqaaacttt ctaaqataat acatttctga ttttataatt tcccaaaatc cttccatagg accattatca atacatctac caactcgaga catactttga gttgcgccta tctcattaaq tttattcttq aaaqatttac ttgtatattg aaaaccgcta tcactgtgaa aaaqtqqact aqcatcaqqa ttqqaqqtaa ctqctttatc aaaqqtttca aagacaagga cgttgttatt tgattttcca agtacatagg aaataatgct attatcatgc aaatcaagta tttcactcaa gtacgccttt gtttcgtctg ttaac

Of course, three distinct domains analogous to those described above for BoNT/A exist for all the BoNT subtypes as well as for TeNT neurotoxin; an alignment of the amino acid sequences of these holotoxins will reveal the sequence coordinates for these other neurotoxin species.

Preferably, the translocation element and the binding element of the compositions of the present invention are separated by a spacer moiety that facilitates the binding element's binding to the desired cell surface receptor. Such a spacer may comprise, for example, a portion of the BoNT Hc sequence (so long as the portion does not retain the ability to bind to motor neurons or sensory afferent neurons), another sequence of amino acids, or a hydrocarbon moiety. The spacer moiety may also comprise a proline, serine, threonine and/or cysteine-rich amino acid sequence similar or identical to a human immunoglobulin hinge region. preferred embodiment, the spacer region comprises the amino acid sequence of an immunoglobulin  $\gamma 1$  hinge region; such a sequence has the sequence (from N terminus to C terminus):

- 8. The composition of claim 5 wherein said binding element comprises an amino acid sequence consisting of SEQ ID NO: 6.
- 9. The composition of claim 8 wherein said binding element comprises an amino acid sequence consisting of 5 SEQ ID NO: 5.
- 10. The composition of claim 9 wherein said binding element comprises an amino acid sequence consisting of SEQ ID NO: 4.
- 11. The composition of claim 10 wherein said binding 10 element comprises an amino acid sequence consisting of SEQ ID NO: 3.
- 12. The composition of claim 11 wherein said binding element comprises an amino acid sequence consisting of SEQ ID NO:2.
- 13. The composition of claim 1 wherein said composition further comprises a spacer moiety separating said binding element from said translocation element.
- 14. The composition of claim 13 wherein said spacer moiety comprises a moiety selected from the group consisting of a hydrocarbon, a polypeptide other than an immunoglobulin hinge region, and a proline-containing polypeptide identical or analogous to an immunoglobulin hinge region.
- 15. The composition of claim 14 wherein said spacer moiety comprises a proline-containing polypeptide identical 25 or analogous to an immunoglobulin hinge region.
- 16. The composition of claim 15 wherein said polypeptide comprises an amino acid sequence consisting of SEQ ID NO:11.

- 17. The composition of claim 7 wherein said composition further comprises a spacer moiety separating said binding element from said translocation element.
- 18. The composition of claim 17 wherein said spacer moiety comprises a moiety selected from the group consisting of a hydrocarbon, a polypeptide other than an immunoglobulin binge region, and a proline-containing polypeptide identical or analogous to an immunoglobulin binge region.

19. The composition of claim 18 wherein said spacer moiety comprises a proline-containing polypeptide identical or analogous to an immunoglobulin hinge region.

- 20. The composition of claim 19 wherein said polypeptide comprises an amino acid sequence consisting of SEQ ID NO:11.
- 21. The composition of claim 8 wherein said composition further comprises a spacer moiety separating said binding element from said translocation element.
  - 22. The composition of claim 17 wherein said spacer moiety comprises a moiety selected from the group consisting of a hydrocarbon, a polypeptide other than an immunoglobulin hinge region, and a proline-containing polypeptide identical or analogous to an immunoglobulin hinge region.
  - 23. The composition of claim 18 wherein said spacer moiety comprises a proline-containing polypeptide identical or analogous to an irrmunoglobulin hinge region.
  - 24. The composition of claim 19 wherein said polypeptide comprises an amino acid sequence consisting of SEQ ID NO:11.

X



Docket No. 17282(BOT) Serial No. 09/288,326; Conf. No. 7348

17. (Original) The composition of claim 7 wherein said composition further comprises a spacer moiety separating said binding element from said translocation element.

18. (Original) The composition of claim 17 wherein said spacer moiety comprises a moiety selected from the group consisting of a hydrocarbon, a polypeptide other than an immunoglobulic hinge region, and a proline-containing polypeptide identical or analogous to an immunoglobulic hinge region.



X

- 19. (Original) The composition of claim 18 wherein said spacer moiety comprises a prolinecontaining polypeptide identical or analogous to an immunoglobulin hinge region.
- 20. (Original) The composition of claim 19 wherein said polypeptide comprises an amino acid sequence consisting of SEQ ID NO:11.
- 21. (Original) The composition of claim 8 wherein said composition further comprises a spacer moiety separating said binding element from said translocation element.
- 22. (Original) The composition of claim 17 wherein said spacer moiety comprises a moiety selected from the group consisting of a hydrocarbon, a polypeptide other than an immunoglobulin hinge region, and a proline-containing polypeptide identical or analogous to an immunoglobulin hinge region.
- 23. (Original) The composition of claim 18 wherein said spacer moiety comprises a proline-containing polypeptide identical or analogous to an immunoglobulin hinge region.
- 24. (Original) The composition of claim 19 wherein said polypeptide comprises an amino acid sequence consisting of SEQ ID NO:11.

25-50 (Cancelled)